

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JULIE SCHMIDT and LEON GERHARD,
Plaintiffs,
v.
TACOMA POLICE DEPARTMENT, et. al,
Defendants.

Case No. C09-5135 RBL
ORDER ON PLAINTIFFS' MOTIONS

This Matter is before the Court on the following motions: Plaintiffs' Motion for Sanctions [Dkt. #59, 68]; Plaintiffs' Motion to Enter a Default Judgment [Dkt. #60, 82]; Plaintiffs' Motion to Compel Discovery [Dkt. #61]; Plaintiffs' Motion to Depose Opposing Counsel [Dkt. #68]; Plaintiffs' Motion to Appoint Counsel [Dkt. #90].

Plaintiffs' Motion for Sanctions [Dkt. #59, 68] is DENIED. Plaintiffs' Motion to Enter Default Judgment [Dkt. #60, 82] for ownership of the house and for \$77,000 is facially frivolous and is DENIED. Plaintiffs' Motion to Compel Discovery [Dkt. # 61] is DENIED. Plaintiffs need to file a discovery request with the Defendants before the Court will grant a motion to compel. Plaintiff's Motion to Depose Opposing Counsel [Dkt. #68] is DENIED.

Pursuant to 28 U.S.C. § 1915(e)(1), the Court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the Court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the

1 petitioner to articulate the claims *pro se* in light of the complexity of the legal issues involved. *Weygandt*
2 *v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). After reviewing the record, the Court finds that Plaintiffs have
3 not shown any likelihood of success on the merits. Therefore, Plaintiffs' Motion for Appointment of
4 Counsel [Dkt. #90] is DENIED.

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6 **IT IS SO ORDERED.**

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8 DATED this 10th day of November, 2010.

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11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE
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